

05hr_CRule_04-103_AC-Ag_pt01



Details:

(FORM UPDATED: 07/12/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Agriculture (AC-Ag)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution)
 - (**ajr** = Assembly Joint Resolution)
 - (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Vote Record

Committee on Agriculture

Date: 5/12/05

Bill Number: Clearinghouse Rule 04-103

Moved by: Ott Seconded by: Ainsworth

Motion: Modifications Requested

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Alvin Ott, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Lee Nerison	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative John Ainsworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jerry Petrowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative J.A. Hines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mary Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Gabe Loeffelholz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Debra Towns	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Barbara Gronemus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Amy Sue Vruwink	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Robert Ziegelbauer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Christine Sinicki	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Representative Louis Molepske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Joseph Parisi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 14 - 1

☒ Motion Carried

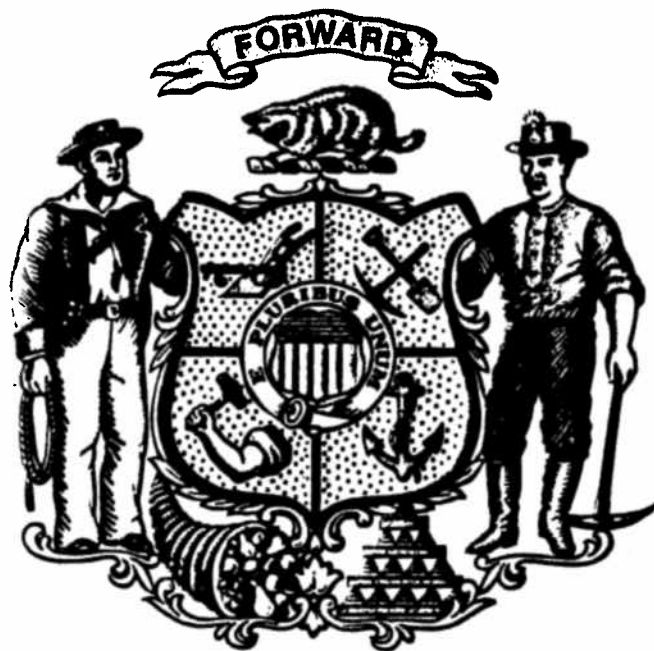
☐ Motion Failed

May 12, 2005

MOTION

MOVED, that the Assembly Committee on Agriculture, pursuant to s. 227.19 (4) (b) 2., Stats., requests the Department of Agriculture, Trade and Consumer Protection to consider modifications to Clearinghouse Rule 04-103, relating to livestock premises registration.

If the Department of Agriculture, Trade and Consumer Protection does not agree to consider modifications to Clearinghouse Rule 04-103, in a letter addressed to the chair of the Assembly Committee on Agriculture, or fails to respond in writing to this request for modification, by 5:00 p.m., May 16, 2005, the Assembly Committee on Agriculture objects to Clearinghouse Rule 04-103 pursuant to s. 227.19 (4) (d) 6., Stats., on the grounds that the proposed rule is arbitrary and capricious, and imposes an undue hardship.



Napralla, Erin

From: Cross, William
Sent: Thursday, March 17, 2005 10:06 AM
To: Rep.Ott
Subject: RE: Clearinghouse Rule Referred to Assembly Committee on Agriculture

In that DATCP has taken actions on this issue in the budget of difference to those in this rule, Bobby requests that a Public Hearing be held on CR04-103.

BILL C

-----Original Message-----

From: Rep.Ott
Sent: Thursday, March 17, 2005 7:35 AM
To: Rep.Nerison; Rep.Ainsworth; Rep.Petrowski; Rep.Suder; Rep.WilliamsM; Rep.Loeffelholz; Rep.Towns; Rep.Gronemus; Rep.Vruwink; Rep.Ziegelbauer; Rep.Sinicki; Rep.Molepske; Rep.Parisi; Rep.Hines
Cc: Patronskey, Mark; Loomans, Scott; Redell, Carol; Kraak, Maureen; Scott, Katie; Emerson, Anne; Hilgemann, Luke; Junck, Linda; Narveson, Linda; Langan, Casey; Shea, Heather; Cross, William; Anderson, John; Kostelic, Luanne; George, Mary Beth; Christopher, Marc; Whitmore, Lori; Parrott, Douglas; Polzin, Cindy; Smyrski, Rose
Subject: Clearinghouse Rule Referred to Assembly Committee on Agriculture

The following Clearinghouse Rule has been referred to the Assembly Committee on Agriculture for a 30 day review period:

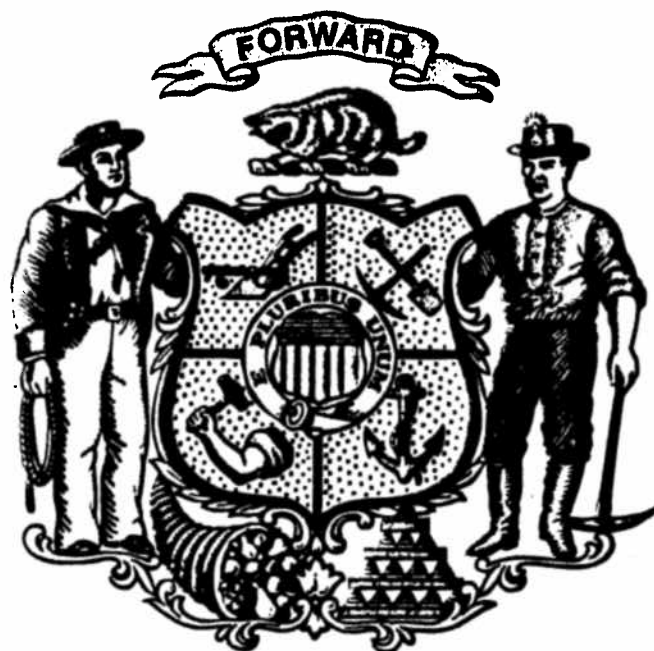
Clearinghouse Rule 04-103: Relating to livestock premises registration.

A copy of the rule is attached. Please contact my office if you have any questions. It is anticipated that the Committee will hold a hearing on this rule - likely in conjunction with the Senate Committee on Agriculture.

The initial 30 day deadline for committee review is Friday, April 15, 2005.

<< File: 04-103.pdf >>

(Please note the attached document is 58 pages.)



Napralla, Erin

From: Langan, Casey
Sent: Thursday, March 17, 2005 2:44 PM
To: Rep.Ott
Subject: RE: Clearinghouse Rule Referred to Assembly Committee on Agriculture

Rep. Towns is interested in this.

If you're having a meeting with DATCP, she'd be interested in attending, or the hearing route will work as well.

There appears to be some things in the rule that weren't the intent of the law.

Thanks,

Casey

-----Original Message-----

From: Rep.Ott
Sent: Thursday, March 17, 2005 7:35 AM
To: Rep.Nerison; Rep.Ainsworth; Rep.Petrowski; Rep.Suder; Rep.WilliamsM; Rep.Loeffelholz; Rep.Towns; Rep.Gronemus; Rep.Vruwink;
Rep.Ziegelbauer; Rep.Sinicki; Rep.Molepske; Rep.Parisi; Rep.Hines
Cc: Patronskey, Mark; Loomans, Scott; Redell, Carol; Kraak, Maureen; Scott, Katie; Emerson, Anne; Hilgemann, Luke; Junck, Linda;
Narveson, Linda; Langan, Casey; Shea, Heather; Cross, William; Anderson, John; Kostelic, Luanne; George, Mary Beth;
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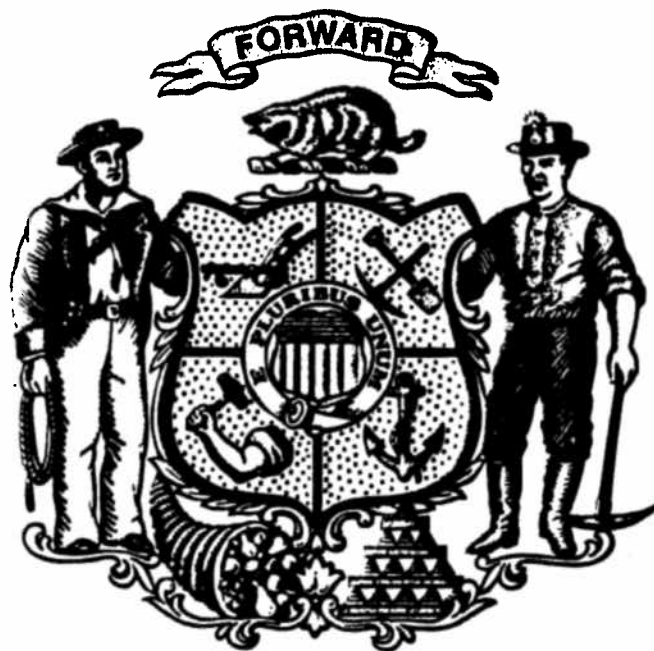
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<< File: 04-103.pdf >>

(Please note the attached document is 58 pages.)





A1 Ott

State Representative • 3rd Assembly District

April 15, 200~~3~~⁵

Rod Nilsestuen
Secretary, DATCP
P.O. Box 8911
Madison, WI 53708-8911

SUBJECT: Meeting Request on Clearinghouse Rule 04-103

Dear Secretary Nilsestuen,

By this letter, I am requesting a meeting with the Department regarding the following clearinghouse rule:

04-103	Relating to Livestock Premises Registration
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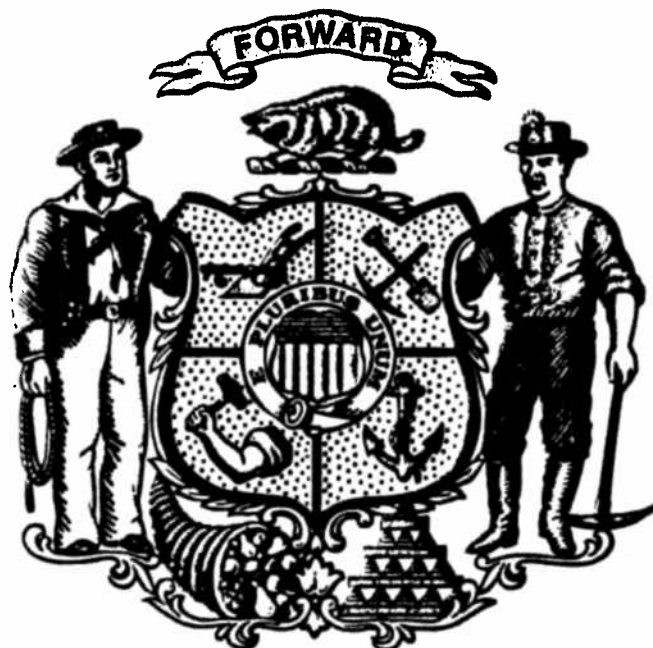
Pursuant to s. 227.19 (4)(b)1. a., this will extend our review period another 30 days from today's date. The extra time to consider these rules will be very helpful.

I will contact your office to schedule this meeting.

Sincerely,

Al Ott
State Representative
Chair, Assembly Committee on Agriculture

CC: Mark Patronskey – Legislative Council, 401 East Main
Kay Inabet – Chief Clerk, 208 Risser Justice Center
Senator Dan Kapanke – 104 South, State Capitol



Napralla, Erin

From: Napralla, Erin
Sent: Monday, May 02, 2005 2:49 PM
To: 'rfourdraine@WIID.org'
Cc: Smyrski, Rose; Second Look Holsteins
Subject: FW: Joint Agriculture Committee Hearing - Livestock Premises Registration - 5/12/05
Attachments: P20050512_2.doc

Robert,

I spoke with Linda Hodorff last week, and she mentioned that you would need a formal invitation in order to attend/participate in the public hearing on the Premises Registration rule (04-103).

Representative Ott would like to have you available at the hearing as a resource should the members have any questions you may be able to address. If appropriate, he would welcome any testimony you would like to offer to the committee on the rule as well.

You will find attached a copy of the hearing notice that was distributed earlier today.

Please let me know if you have any questions or if you need anything more formal in terms of an invitation.

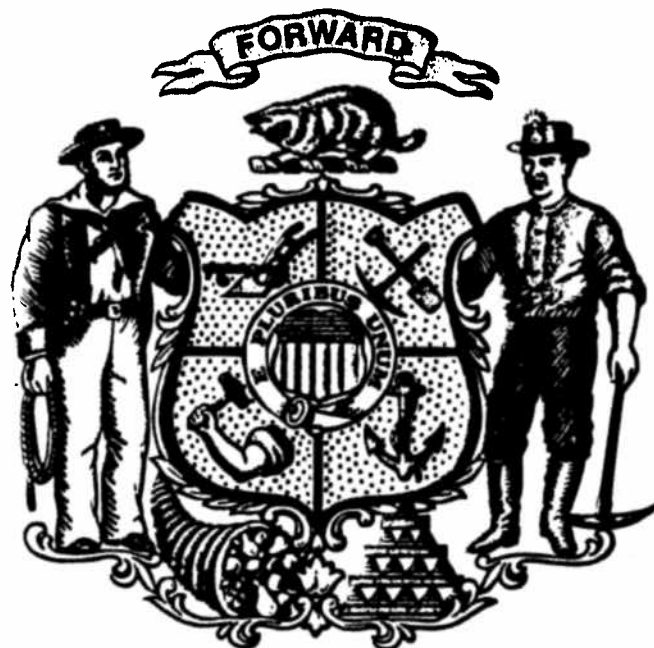
Thanks!

Erin

*Erin Napralla
Research Assistant
Clerk, Assembly Committee on Agriculture
Office of State Representative Al Ott
3rd Assembly District
erin.napralla@legis.state.wi.us
608.266.5831*



P20050512_2.doc
(35 KB)



Napralla, Erin

From: Inabnet, Kay
Sent: Monday, May 02, 2005 3:02 PM
To: Napralla, Erin
Subject: RE: Another Rule Question

Yes, your second 30 days started when you requested the meeting with the agency on April 15. So your next 30 days would actually end over the weekend which makes it fall on Monday, May 16.

Kay

-----Original Message-----

From: Napralla, Erin
Sent: Monday, May 02, 2005 2:54 PM
To: Inabnet, Kay
Subject: Another Rule Question

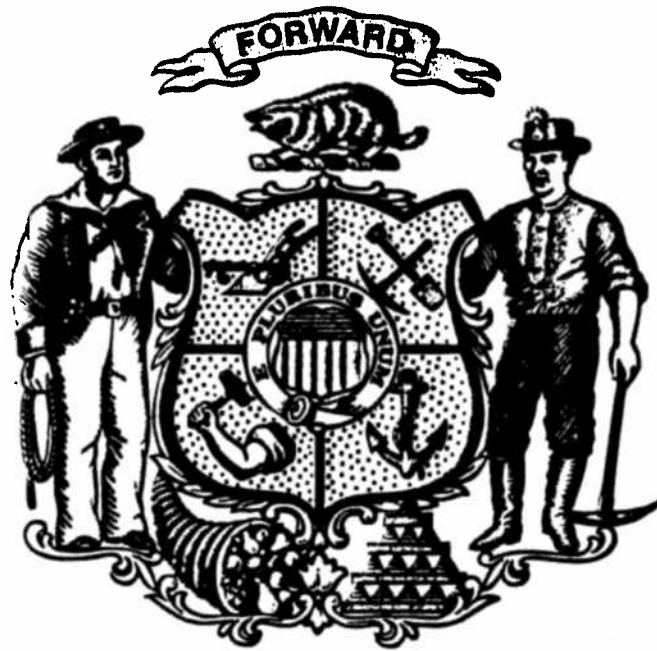
Kay,

I just want to verify when our second 30 days for the review of Clearinghouse Rule 04-103 ends. Would it be May 16th?

Thanks!

Erin

*Erin Napralla
Research Assistant
Clerk, Assembly Committee on Agriculture
Office of State Representative Al Ott
3rd Assembly District
erin.napralla@legis.state.wi.us
608.266.5831*



2005?

Rule 04-103?

5/10 → Mtg. w/ Sen. Kapanke, Paterson & Howell

Of making a modification request -
unspecified is the way to go.

Issues -

Frequency of Registration

Confidentiality

Howell - Sees an inconsistency in the
rule v. Statute

① Statutes say Dept. may not authorize
contract agent to release aggregate info.

* → The rule states that the C.A.
can be authorized to disclose any info
the dept. is authorized to disclose

② Also concerned the rule doesn't
limit to whom disclosure can be
made by the contract agent.

* Only 1 Committee needs to make the
modification request

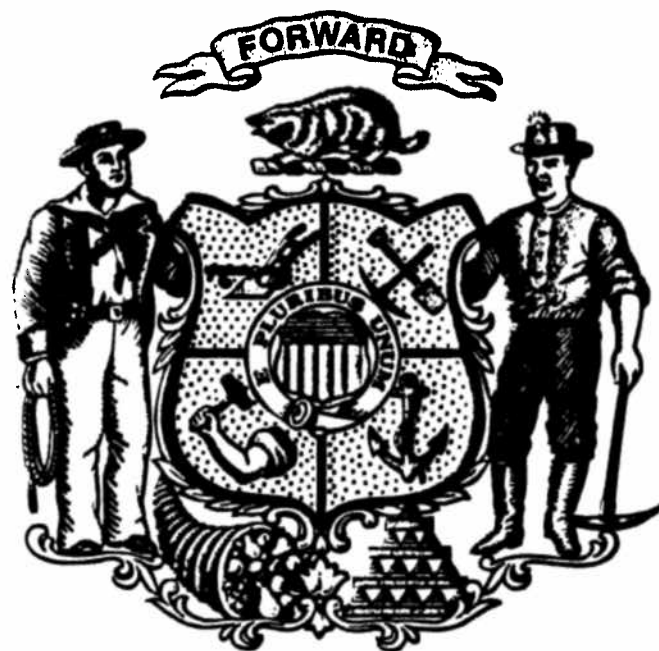
* To Kelley: Will request for modifications
pose timeline problems for the Dept.?

* Issues DATCP May Want to Speak to...

- How the Dept. currently addresses confidentiality

- How this rule coordinates w/ the federal effort.

- The people brought under these regs by rule rather than by statute.



**Assembly Agriculture Committee
May 12, 2005
Clearinghouse Rule 04-103
Livestock Premises Registration**

Robert Fourdraine – Wisconsin Livestock Identification Consortium (Information Only)

- NAIS has a plan to establish livestock identification over time:
 1. Premises Registration
 2. Animal Identification
 3. Animal Tracking (48 hour trace back)
- Role of each state:
 1. Establish and maintain a premises registration system
 2. Track intrastate movement of animals
 3. Education and outreach
- On May 5th, Wisconsin reached 10,000 voluntary premises registrations. (About 70,000 premises statewide)
- USDA Guidelines and program standards were issued the first week of May.
- 47 states and 5 tribes are operational on premises registration.
- USDA aims to have the whole system (48 hour trace back) up and running by 2009.
- The program is expected to cost \$500-\$700 million over five years nationally.
- USDA has allocated \$33 million for Fiscal Year 2005. \$13.5 million to states.
- USDA will not have funds to pay for everything.
- Wisconsin funding:
 - \$2 million FED to DATCP
 - Can apply for additional funding out of the \$13.5
- Michigan has mandatory premises and animal identification as of December 2004.
- Indiana will have mandatory premises registration by September 2006.

Dr. McGraw & Dr. Ehlenfeldt - DATCP (In Favor)

- At this time, the state will not force markets to refuse animals from states that do not have premises registration.
- Annual registration will ensure the integrity of the data.

Towns – *Does this rule include single, temporarily housed animals such as for 4-H and FFA projects?*

- Yes – These animals also pose disease risks, especially when traveling to events such as fairs and expositions.
- Cost – Per fiscal estimate: \$918,000. \$177,100 for positions at DATCP – the rest to WLIC for contracting data collection.
- Enforcement – Stepped approach.
 - Expect 80-90% voluntary compliance.
 - Department will then contact those remaining to remind them of the requirement to register.
 - Will then send a warning to those who still have not registered.
 - Expect to have to penalize only a very small number of people.

Clarence Schlabach & Jonas Troyer – Amish Community (Against)

- Do not want their animals marked due to religious beliefs.
- Would prefer to use fire numbers and zip codes to identify premises. *(this poses a large number of confidentiality issues...)*

Jeff Lyon – Wisconsin Farm Bureau Federation (In Favor)

- Change registration frequency from annual to every two years.
- Change “public health” to “human health”. *(DATCP & Mark P. – no substantial difference. Using language from the statutes.)*

Terry Quam – Wisconsin Cattlemen’s Association (In Favor)

- Change registration frequency from annual to every two years.
- Change “public health” to “human health”.

Deb Reinhart – (In Favor)

- Concerned with long-term funding issue.
- System will only be effective if everyone uses it. Disease does not discriminate based on size.
- Feels renewal must be annual.





WISCONSIN FARM BUREAU FEDERATION®

P.O. Box 5550 • 1212 Deming Way • Madison, WI 53705 • 608-836-5575

May 12, 2005

**To: Members of the Senate Agriculture & Insurance Committee
 Members of the Assembly Agriculture Committee**

From: Jeff Lyon, Director, Governmental Relations

RE: Clearinghouse Rule 04-103 Relating to livestock premises registration

On behalf of the Wisconsin Farm Bureau Federation, I am pleased to make comments in general support of Clearinghouse Rule 04-103 relating to livestock premises registration. As you know, premise identification is the first step in making a national animal identification program successful.

The WFBF is pleased that DATCP has been able to secure federal funds to get premise registration off the ground. It is our understanding that federal funds are available until July 2006 and members of our Congressional delegation are working to get additional funding through July 2007.

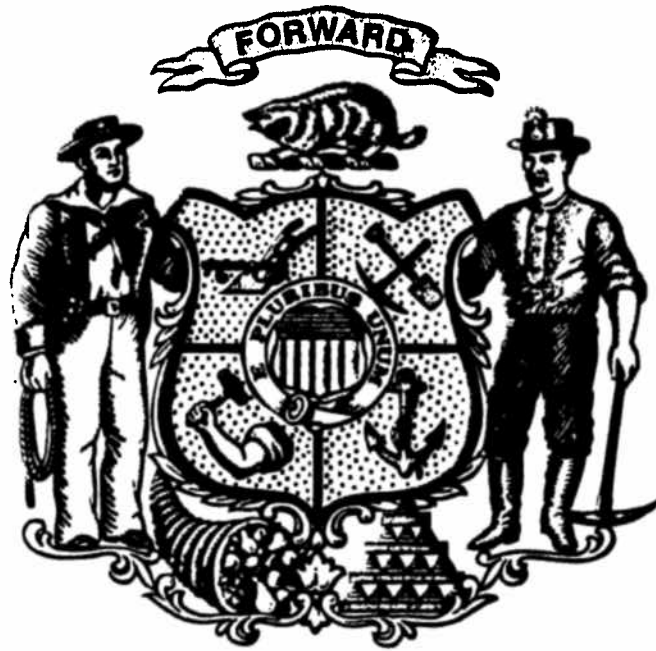
While the rule does not contain registration fees, the WFBF remains concerned about how the program will be funded when federal funds are no longer available. Since the premise identification and individual animal identification is a priority of the general public due to food safety, animal health and bio-security concerns, the WFBF believes all citizens should pay a portion of premise registration and animal identification costs. This will be an issue for your committees and stakeholders to address at the appropriate time. The WFBF opposes registration fees being imposed solely on producers.

As you know, the rule calls for annual registration of premises. During the hearing process, the WFBF, in an effort to eliminate some of the administrative burden and to minimize costs on both DATCP and livestock producers, questioned the need for annual premises registration due to the fact that once a premise is established, there are typically very few changes over time. The WFBF suggests premise registration once every two years.

While the rule is being put in place to protect human health, the WFBF is concerned that the rule could be used by individuals or groups wanting to advance different agendas. Under the rule, DATCP is authorized to disclose otherwise confidential information, "if the department believes that the release is necessary to prevent or control disease or to protect public health, safety or welfare." WFBF would like to see "public health" changed to "human health" to better protect producers against allegations based on concerns that are unrelated to animal health issues.

Lastly, in our hearing comments the WFBF expressed concern with the language pertaining to confidentiality and disclosure. Since the hearing, we believe our concerns have been adequately addressed.

Again, the WFBF appreciates the opportunity to offer these comments.





Rule 04-103 ?

Comments on Wisconsin Premises Identification Rule

Jay Mattison
CEO and Administrator
National Dairy Herd Improvement Association
12 May 2005

Key Points

The Premises rule, its interpretation and application should:

- Protect the animal health of the herds, flocks, schools (aquaculture) and colonies of animals located and maintained in Wisconsin.
- Provide risk management for animal health authorities to manage, conduct surveillance, control and deal with animal health disease incidences.
- Serve the good of the consuming public and the animal (producer or pleasure) segments.

Key Considerations

The Premises rule should have these questions reviewed:

- What will the economic impact be of the rule to producers or growers and the public?
- What is the benefit and risk management obtained by the rule in protecting animal health?
- Is the rule clearly and concisely written to allow minimum interpretation?
- Are the minimum amount of data elements contained in DATCP controlled data structures?
- There is FOIA consideration and language, but has it been rigorously reviewed?
- How does the Wisconsin rule compare to federal and neighboring states' rules or proposed rules?
- How will the rule be enforced in the pleasure and commercial chains of animal movement or commerce?

The Wisconsin Premises ID rule is reasonable on a conceptual basis, but there seems to be several areas pertaining to the application and enforcement that should be answered before the rule reaches the final and implementation stages. This will ensure a clear understanding between regulatory partners, participants and the public.



Testimony on the Rules for 2003 Wisconsin Act 229
Paul J. McGraw, DVM Assistant State Veterinarian
Division of Animal Health
Wisconsin Department of Agriculture, Trade and Consumer Protection
May 12, 2005

Chairman Kapanke, members of the Senate Agriculture and Insurance Committee, Chairman Ott and members of the Assembly Committee on Agriculture thank you for allowing me to testify on the rules for 2003 Wisconsin Act 229. I am Dr. Paul McGraw Assistant State Veterinarian and I am joined by State Veterinarian Dr. Robert Ehlenfeldt, Sue Buroker Administrator, Management Services, and Michelle McGuire legal counsel, we are representing Secretary Nilsestuen and DATCP.

2003 Wisconsin Act 229 directed the department to create and administer a mandatory livestock premises registration system. The department has drafted this rule creating program requirements for premises registration. This rule has been through the public hearing process, and today we are asking Committee members to approve the final draft rule to implement Wisconsin's livestock premises registration program.

The program's intent is to protect animal health and the security of the food chain. Knowing where the animals are will facilitate expedited response in the event of an animal disease emergency.

The rule includes the following provisions:

- The rule requires all persons who keep livestock in the state to register annually with the department.
- The department will issue a unique premises registration code, generated by the USDA national allocator, to each registered premises.
- Registration information is confidential.
- Persons may register on-line or by paper registration. Persons currently licensed by the department may register as part of their current annual license application.
- The premises registration number stays with the property, not the owner. If property is sold intact the premises registration number will not change.

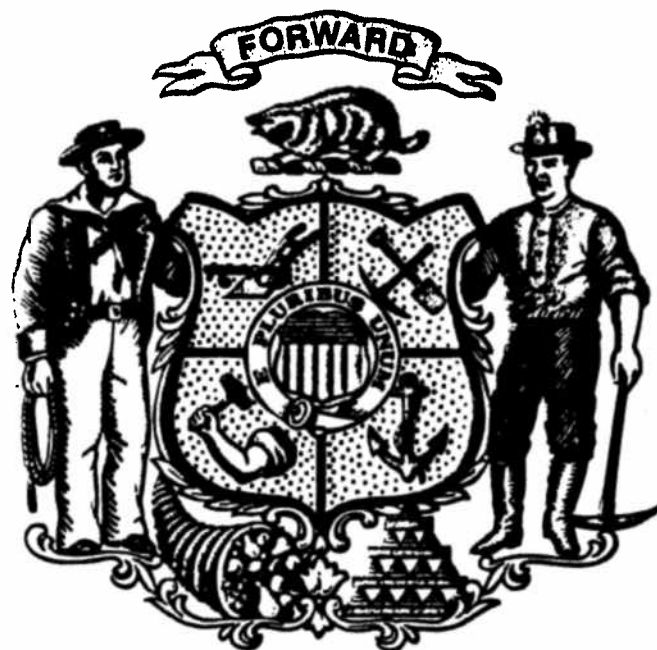
- The information required is
 - Legal name
 - Primary premises location and up to 3 secondary locations
 - Name and telephone number for the contact person who has knowledge of the livestock movements on that premises
 - Type of operation
 - Type of livestock
- Information provided by the registrant is confidential; the premises number by itself is not confidential.
- The department may disclose information if it is necessary to prevent or control disease or to protect public health.
- The department may release information with permission from the registrant.
- The department may use the information to create aggregate maps or compile statistics as long as an individual registrant's identity or address is not revealed.
- The department intends to contract with the Wisconsin Livestock ID Consortium to administer the program. The electronic registration system developed by the WI Livestock ID Consortium was selected by USDA as the interim system for premises registration that USDA has made available to all states.
- The department will promote voluntary compliance through outreach and education.
- Penalties for violations are set by statute and are equivalent to other animal health and food safety laws – generally ranging from \$200 to \$5,000.
- Exhibiting, selling or slaughtering livestock from an unregistered premises is prohibited **ONLY IF USDA or ALL** border states to Wisconsin impose the same prohibition.
- The department will receive approximately \$1.75 million in federal funding for the program in fiscal year 2006, and submitted a biennial budget request for funding as directed by the legislation.
- No fees are included in the rule.
- The department does not anticipate any significant economic impact on businesses in the state.

We held 10 public hearings at 5 locations throughout the state. To facilitate public participation there was one daytime hearing and one evening hearing at each location. Seventy-eight people attended the hearings, and 26 people

testified or registered a position. Eleven supported the rule, 7 opposed all or part of the rule, and 8 expressed neither support nor opposition. Comments included the following:

- *Registration information must be kept confidential.* DATCP agrees, and the rule requires it.
- *Registration should be required only for large operations, or only for operations that keep food animals.* DATCP disagrees. DATCP believes that it is important to register all livestock premises, because disease is not limited to large operations or to food animals.
- *The rule should require one-time, rather than annual, registration.* DATCP disagrees. We believe that annual registration is necessary to ensure that information is accurate and up-to-date. The annual registration process is simple, and there is no fee.
- *DATCP's contract agent should not charge any unauthorized registration fee.* We agree, and we have clarified the rule to prohibit unauthorized fees.
- *Milk producers will not be able to renew their premises registrations with their annual license renewals, because milk producers do not submit annual license renewal applications (dairy plants pay annual renewal fees for milk producers).* We agree, and we have modified the final draft rule accordingly. Milk producers will register with their initial license application. But annual registration renewals will be separate from license renewals (DATCP will send annual registration renewal forms to registered producers).
- *There was broad based concern that no fee be associated with premises registration, now or in the future.* This department is not authorized to implement fees to fund this program, and modified the rule to explicitly state that the contract agent cannot charge a fee.

We would be happy to answer any questions.





Wisconsin Federation of Cooperatives

131 West Wilson Street, Suite 400, Madison, WI 53703

Phone: 608.258.4400 Fax: 608.258.4407 www.wfcmac.coop

Date: May 12, 2005

To: Members. Senate Committee on Agriculture and Insurance and
Assembly Committee on Agriculture

From: Bill Oemichen, President & CEO

A handwritten signature in black ink, appearing to read 'Bill Oemichen', is written over the printed name.

RE: Support for Livestock Premises Registration Rule, CR 04-103

Thank you for allowing the Wisconsin Federation of Cooperatives (WFC) to provide comment on Clearinghouse Rule 04-103. WFC is a state trade association consisting of a diverse membership of cooperatives, mutual insurance companies and credit unions. A significant number of our members will be directly impacted by the proposed rule and they are dairy, livestock marketing, animal genetics cooperatives and the Wisconsin Association of Fairs. **WFC supported the legislation that became 2003 Wisconsin Act 229 because it would help protect the health of Wisconsin's livestock industry and because it would strengthen the consumer confidence in our industry and the products from that industry.** For the same reasons, we also support Rule 04-103.

We believe the Legislature and Department of Agriculture, Trade & Consumer Protection's reliance on members of the Wisconsin Livestock Identification Consortium (WLIC) for input into both the legislation and the proposed rule has been a most important part of the process for the move to mandatory premise registration. WFC and many WFC members are part of the broad and diverse membership of WLIC, now numbering 58, that includes almost all facets of Wisconsin's animal agriculture. In fact, WFC was among the several original business entities that initiated action to create a system that would effectively provide animal trace back capability to respond to contagious animal disease outbreaks.

Important aspects of the proposed rule are many. The proposed delayed effective date is January 1, 2006. For livestock facilities currently licensed by DATCP, the premise registration requirement will take effect on the first day of the first full license year beginning after January 1, 2006. For the dairy farms, that means a May 1, 2006, registration requirement. This coordinated approach is appropriate. The rule does not create additional record-keeping or reporting requirements beyond the basic annual registration. **Act 229 and the rule provide for strict confidentiality requirements for the premises registration information.**

WFC has requested the DATCP to continue working closely with all of Wisconsin's livestock industry as the new program is implemented. Information that is discovered during the current WLIC voluntary registration process, and through the pilot projects that WLIC has started with several industry representatives, will prove helpful as further steps are initiated. To date, WLIC has been able to register 10,000 premises. Furthermore, the Farm Service Agency (FSA) in Wisconsin has on-site registration now available in 24 of their offices.

The National Animal Identification System (NAIS), a government and industry cooperative effort, has identified an ambitious timetable in their draft strategic plan released last month. NAIS's milestones identify July of this year for all states being capable of premises registration. NAIS indicates that premises registration and animal identification would be required by January of 2008. The final milestone of January 2009 anticipates the entire program at mandatory status. **Today, 47 states have committed to premises registration efforts, of which 35 are following the Wisconsin model, the "standardized premises registration system."**

ACT 229 does not authorize fees on producers to finance this program and **the proposed rule clearly states in ATCP 17.02 "there is no fee to register."** WFC and others successfully asked the Joint Finance Committee last week to reject the Governor's budget proposal to allow a DATCP agent to be able to collect fees to administer the program. It will be essential to marshal industry support for federal and/or state general funds for the administration of premises registration when the current federal funding available to Wisconsin is exhausted. As you know, WFC took the lead along with several others to successfully obtain federal funding for the first several years of work of the WLIC.

In closing, WFC supports the proposed livestock premises registration rules as they are. We understand some WLIC members prefer amending the rules to provide for every other year registration. WFC is not opposed to that rule modification. While it is not a certainty today that all necessary financial resources will be forthcoming to cover the costs to administer the Wisconsin effort, it would appear that the geographic reach of premises registration activity bodes well for increased federal political and financial support. WFC will continue to place a high priority on the progress and on obtaining the necessary financial support for this important project.

Thank you for considering the comments of the Wisconsin Federation of Cooperatives.





Al Ott

State Representative • 3rd Assembly District

May 12, 2005

Secretary Rod Nilsestuen
Dept. of Agriculture, Trade & Consumer Protection
P.O. Box 8911
Madison, WI 53718-8911

Dear Secretary Nilsestuen,

Please find enclosed a motion adopted today by the Assembly Committee on Agriculture relative to Clearinghouse Rule 04-103. The Committee approved the motion 14-0.

The Committee respectfully requests the Department to consider modifications to this rule.

I would appreciate a response, in writing, from the Department by 5:00 p.m. on Monday, May 16th, as the Committee jurisdiction on the rule expires at that time. Should the Department fail to respond or refuse the Committee's request, the motion provides that the Committee will object to the rule.

Please do not hesitate to contact my office with any questions or concerns.

Sincerely,

Al Ott
State Representative
Chair, Assembly Committee on Agriculture

Enclosure



Clearinghouse Rule 04-103
Concerns Raised During Joint Hearing
Potential Modification Requests
May 12, 2005

Towns: Feels we are too far ahead of the rest of the country on this effort. Is it possible to delay the effective date via the rule?

Patronsky: The effective date is in the statute, cannot change it without legislation.

Petrowski: Would like the Department to provide us with a list of states and where they are compared to Wisconsin on this issue.

Vruwink: Would like the rule summary to include a cost comparison between DATCP running this program in house versus contracting with WLIC.

Ainsworth: Is the issue of game birds adequately addressed under the rule?

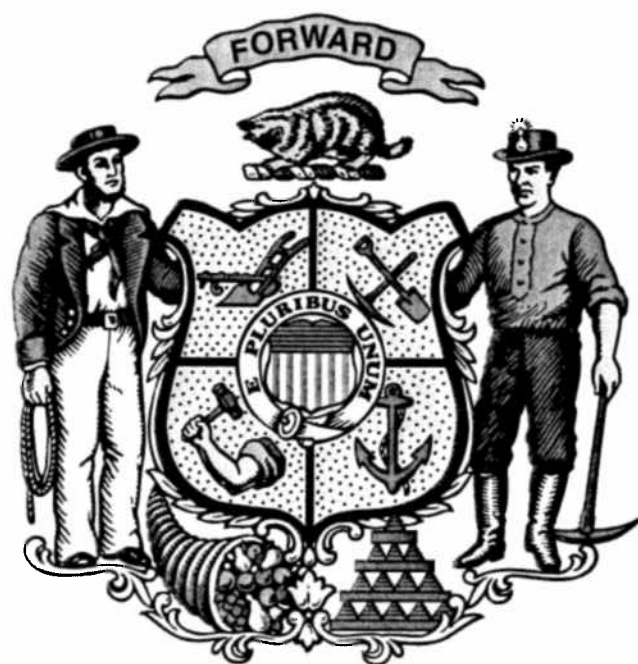
Patronsky: Probably worth looking at.

Kapanke: Anyway to address the concerns of the Amish community relative to being given a number versus having to apply for the number?

D. Lovell: Inconsistency between rule and statutes relative to release of aggregate information.

Patronsky: Should be a relatively simple technical change.

Ag Groups: Change to biennial registration.





State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

May 16, 2005

The Honorable Al Ott
Chair, Assembly Committee on Agriculture
State Capitol
P.O. Box 8953
Madison, WI 53708

DELIVERY BY FAX

Dear Representative Ott:

We have received your letter and copy of the motion requesting that the department consider modifications to Clearinghouse Rule 04-103, relating to livestock premises registration. We are willing to consider modifications and look forward to discussing it with you.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Rod Nilsestuen".

Rod Nilsestuen
Secretary

cc: The Honorable Dan Kapanke



SCOTT SUDER

State Representative • 69th Assembly District

State Capitol Office:
Room 21 North
P.O. Box 8953
Madison, WI 53708-8953
(608) 267-0280 • Fax: (608) 282-3669

69th Assembly District:
Telephone/fax: (715) 223-6964
Call toll-free: (888) 534-0069
Rep.Suder@legis.state.wi.us
www.legis.state.wi.us/assembly/asm69/news

DATE: May 18, 2005
TO: Representative Al Ott
Chairman, Assembly Agriculture Committee
FROM: Rep. Scott Suder
RE: Modifications to Clearinghouse Rule 04-103

Chairman Ott, I respectfully ask for modifications to Clearinghouse Rule 04-103. As you know from my statements made during the public hearing on this matter, I am adamantly opposed to imposing fees on agricultural producers for this program. Clearly federal funding is, at best, uncertain and state GPR dollars are at a premium. I simply cannot support any language which gives even tacit authority to a state agency to impose fees for this program.

Furthermore, I would urge the department to use the phrase "human health" rather than "public health" when referencing the need for this program. My concern is that the term public health provides a dangerous opening for frivolous lawsuits to be initiated against our agribusiness industry.

I also share the concerns of several of my colleagues with regard to contracting out services by the department to another private entity. I fail to see the logic in such a proposal and fear that this may lead to confusion and higher costs for the program which may be passed on to participants and consumers. To me, this seems counterproductive at best and may very well prove harmful to our overall agriculture economy. Confidentiality is another key concern on which the current rule appears silent. It is my hope that this outsourcing is stricken from the revised rule.

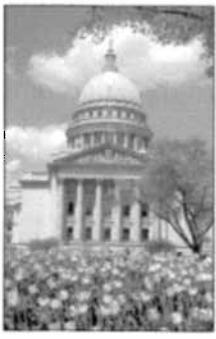
Finally, I agree with Rep. Ainsworth's suggestion that the rule's affect on "game birds" should be further clarified.

Thank you for considering these important changes.

Assembly Committee Assignments:

Criminal Justice, Chairman • Rural Development, Vice Chairman • Corrections and the Courts
Transportation • Agriculture • Law Revision • Rural Economic Development Board





STATE REPRESENTATIVE
JERRY PETROWSKI
86TH ASSEMBLY DISTRICT

STATE CAPITOL:
P.O. Box 8953
Madison, WI 53708-8953

(608) 266-1182
Fax: (608) 282-3686

TOLL-FREE
(888) 534-0086

DISTRICT:
720 North 136th Avenue
Marathon, WI 54448-9580

(715) 845-6193

May 18, 2005

Representative Al Ott
323 North
State Capitol

Dear Al:

This is in regards to Clearinghouse Rule 04-103, the Livestock Premises Registration clearinghouse rule.

I am requesting that only federal funding or GPR dollars be used to pay for all portions of the program. Please protect our farmers. Wisconsin farmers should not have to foot the bill for any part of the program.

Please do not hesitate to contact me with any questions.

Sincerely,



Jerry Petrowski
State Representative
86th Assembly District

JJP:kas





DEBI TOWNS

STATE REPRESENTATIVE

43RD ASSEMBLY DISTRICT

DATE: May 18, 2005
TO: Chairman Al Ott
FROM: Rep. Debi Towns
RE: Modifications to Clearinghouse Rule 04-103

Under this rule, there will still not be a true animal identification program in place, yet Wisconsin could be imposing fees and handing out penalties to farmers. **It is my key priority to not have agricultural producers footing the bill** for this still in-the-works program. Therefore, if federal funding or GPR dollars cannot be appropriated, then we need to halt the program. My initial support for Rep. Gronemus' bill was on the 'premise' that this was a consumer protection issue that all food consumers wanted, and not just a farm issue.

It would seem the federal government has dragged its feet in proposing a national identification system since the discovery of a Holstein cow with BSE in Washington State in late 2003. More recently federal officials announced 2009 as their target date for implementation. Any number of situations could change that start date. While I can appreciate the work that has been done so far on this issue here in Wisconsin, at this point I feel this rule puts us too far out ahead of ourselves, and the federal government.

Cost to producers and the penalty provisions were two areas that received the lion's share of debate at our recent hearing. I will not be able to support something that unnecessarily penalizes our state's livestock producers, both legally and financially, in the name of a state program that at this point does nothing more than provide a list of addresses where farm animals call home. Therefore, **I would ask that the penalty provisions be removed** until this program is fully implemented with premise and individual animal identification.

I know there was some debate about the need to register a premise where one or two 'fair animals' might be housed for a temporary amount of time. I certainly appreciate the DATCP's concerns that disease knows no boundaries. However, in the time before a federal identification program is implemented, I don't believe it is necessary for the state to know where every backyard hog, sheep or steer pen is located. This issue will resolve itself when all animals have an identification number at birth.

In closing, if DATCP officials find the fiscal and penalty modifications to this rule are unworkable, then I suggest that implementation of the rule is delayed until the federal government fully defines the program.

Thank you for reading this and giving consideration to this request.

Capitol Office:

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43rd Assembly District:

7930 North Eagle Road • Janesville, WI 53545





May 18, 2005

Chairman Ott
Inter-departmental Mail
Room 323 North

Rule 04-103?

Capitol:

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Rep.Nerison@legis.state.wi.us

District:

S3035 CTH B

Westby, WI 54667

(608) 634-4562

Dear Chairman:

Regarding the Livestock Premise Registration rule, I agree with those who have said that we should eliminate as much of the administrative burden for farmers as possible. I would suggest to the committee and to DATCP that premise registration should not be annual.

Premise registration every two years may be sufficient, considering that operations don't change drastically after being established. Even less frequent registration might work well once the program is established.

Thank you for the opportunity to work with you on this. I look forward to continuing to discuss the issue during the time that we are considering this rule.

Sincerely,

Lee Nerison
State Representative
96th Assembly District



Napralla, Erin

From: Smyrski, Rose
Sent: Wednesday, May 18, 2005 8:57 AM
To: Napralla, Erin
Subject: FW: Action in Assembly Cmte on Premise ID Clearinghouse Rule 04-103

Here is what I have so far from the hearing...haven't talked to Dan yet on what his concerns are on it

From: Smyrski, Rose
Sent: Monday, May 16, 2005 11:08 AM
To: Templeton, Carrie
Subject: RE: Action in Assembly Cmte on Premise ID Clearinghouse Rule 04-103

We are in the process of compiling a list of concerns or questions that members may have on this rule. A couple of the recurring themes

1. contracting the work out instead of DATCP doing it
2. guidelines on what determines a criminal vs civil penalties --DATCP makes the determination which action they will take
3. amish concerns
4. conflict with statute question on release of information
5. inconsistency between statutes and rule on including game bird

I think that was it for now.. If your boss has any questions or concerns send them over and we can have DATCP address them

From: Templeton, Carrie
Sent: Monday, May 16, 2005 9:24 AM
To: Smyrski, Rose
Subject: RE: Action in Assembly Cmte on Premise ID Clearinghouse Rule 04-103

Thanks, Rose. The only modification I remember from the hearing is related to the 4H issue. Can you refresh my memory as to the other modifications being requested by the committee? Thanks. Hope you had a nice weekend
carrie

Carrie Templeton
Office of Senator Jon Erpenbach
27th Senate District



Clearinghouse Rule 04-103

Written Requests for Modifications

Deadline: May 18, 2005

Nerison:

Towns:

Remove penalty provisions. (Assume she is referring to s. 93.06(7) & (8), 95.99, 97.72 and 97.73) * Deleted

Remove requirement to register premises that temporarily house a small number of "fair animals".

Ainsworth:

Require subsequent registration only when species are added or eliminated. Consider adding language to inform registrant of their responsibility to renew registration when adding or eliminating species.

Feels the summary statement, “The Legislature will determine the funding source and amount,” (page 3) has caused undue opposition to the rule. Would recommend changes to the summary language to make it less objectionable. The Representative does recognize that the actual rule language does not address the funding issue.

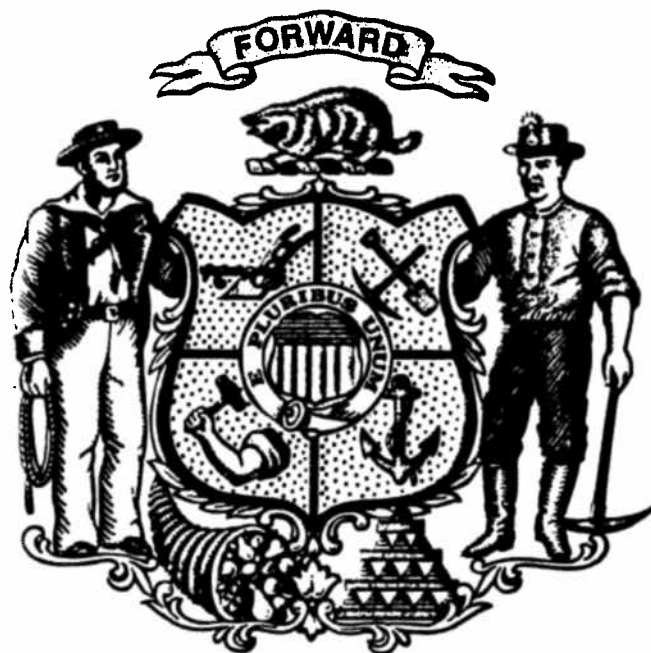
Petrowski:

Suder:

Change “public health” to “human health”.

Remove the provision to contract the data collection.

Further clarify the rule's applicability to game birds.





WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

May 26, 2005

Rod Nilsestuen, Secretary
Department of Agriculture, Trade & Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911

Dear Secretary Nilsestuen,

Thank you for agreeing to the Assembly Agriculture Committee's request that the Department consider modifications to Clearinghouse Rule 04-103.

As you know, a number of members expressed concerns with the rule during the May 12th public hearing. As a result, we requested that our committee members submit, in writing, specific modifications to the rule that they would like addressed.

You will find enclosed copies of the comments received by our offices. We respectfully request the Department carefully review and give due consideration to concerns raised by committee members.

Upon completion of the Department's review, we would like the opportunity to meet to further discuss this matter.

Thank you for your continued cooperation on this important matter. Please do not hesitate to contact either of our offices if you have any questions.

Sincerely,

Al Ott
State Representative
Chairman
Committee on Agriculture

Dan Kapanke
State Senator
Chairman
Committee on Agriculture & Insurance

Enclosure



G-Rule 04-103?

4/7/05 Meeting w/ Datcp - Prem. Registration

Al happy w/ the letter...

Cover letter from Reg Council
backing up DATCP letter (?)

Can only speak to Statutes
v. Rule - cannot make policy
suggestions.

Al does n't want committee
to meet again.

DATCP Board teleconference tomorrow

Will send letter + revised
rule by end of week.





DEBI TOWNS

STATE REPRESENTATIVE
43RD ASSEMBLY DISTRICT

Rule 04-103?

June 24, 2005

Representative Al Ott
Chair, Agriculture Committee
Capitol Building, Madison

Al:

I appreciate the time you gave me during session yesterday to listen to my frustration with DATCP's justification on their draft rules for administering Premise ID.

I, respectfully, object to the responses they provided to legislators that voiced concerns at the hearing. Other than a couple of legal re-wordings that were recommended by the Legislative Council, they did not offer any resolutions to the problems that committee members repeatedly voiced.

All DATCP did in this document was justify their own position and tell us that it has to be their way.

I can appreciate that you and I have different points of view on this issue. And, I do respect that as Chairman of the Agriculture Committee it is your call as to whether the committee should discuss this further. I do want to be clear in this letter, however – I support moving with the nation towards an animal ID program. I do not think that Wisconsin should create a punitive mandate that puts our producers at an unnecessary disadvantage when there is no national program expected for at least four years. I believe there is a reason that the feds have not made premise ID mandatory – because by itself, premise ID will not help identify or track one single animal with BSE.

It does bother me that you would suggest that I need to step away from my background and quit looking at this as a producer. I cannot change my family's heritage, and I agree that I do look at this the way a farmer does. That is who I am, and who I represent. But, I am also trying to view this as a consumer and responsible legislator.

Thanks for reading this – I mean no disrespect by it, but I cannot condone DATCP's disregard for the committee requests.

Debi

Capitol Office:

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